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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,020	02/12/2002	Bryan L. Ackerman	J 2961A	8089
28165	7590	07/13/2004	EXAMINER	
S.C. JOHNSON & SON, INC. 1525 HOWE STREET RACINE, WI 53403-2236			CHEVALIER, ALICIA ANN	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/075,020	ACKERMAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Alicia Chevalier	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 April 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-83 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-70 and 74-83 is/are rejected.
- 7) Claim(s) 71-73 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/12/04, 9/2/03, 9/25/03, 11/10/03
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**RESPONSE TO AMENDMENT**

1. Claims 1-83 are pending in the application.
2. Amendments to the claims, filed on April 26, 2004, have been entered in the above-identified application.

***REJECTIONS REPEATED***

3. The 35 U.S.C. §102 rejection of claims 1-5, 10-12, 14, 16, 25, 26, 30, 33-37, 42-44, 46, 48, 57 and 61 over Pawlowski et al. (US Patent No. 4,935,282) is repeated for reasons previously made of record in paper #12, mailed October 8, 2003, pages 3-4, paragraph #3.
4. The 35 U.S.C. §103 rejection of claims 6-9, 13, 15, 17, 18, 28, 29, 38-41, 45, 47, 49, 50, 59 and 60 as over Pawlowski is repeated for reasons previously made of record in paper #12, pages 5-6, paragraph #5.
5. The 35 U.S.C. §103 rejection of claims 19-24 and 51-56 as over Pawlowski in view of Tanizaki (US Patent No. 5,998,039) is repeated for reasons previously made of record in paper #12, page 7, paragraph #6.
6. The 35 U.S.C. §103 rejection of claims 27 and 58 as over Pawlowski in view of Phillips (US Patent No. 5,414,248) is repeated for reasons previously made of record in paper #12, pages 7-8, paragraph #7.
7. The 35 U.S.C. §103 rejection of claims 31, 32 and 62-69 as over Pawlowski in view of Komatsu et al. (US Patent No. 4,657,133) is repeated for reasons previously made of record in paper #12, pages 8-9, paragraph #8.

***NEW REJECTIONS***

8. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

***Claim Rejections - 35 USC § 102***

9. Claims 70 and 74-77 are rejected under 35 U.S.C. 102(e) as being anticipated by Carson et al. (U.S. Patent No. 6,391,806 B1).

Regarding Applicant's claim 70, Carson discloses a processing substrate comprising a cut resistant portion (*raised regions, col. 2, lines 59-62*), an absorbent portion (*absorbent fibrous layer, col. 2, lines 62-63*) and a barrier portion (*film, col. 2, lines 65-67*). The cut resistant portion is deemed to have a first surface area and the absorbent portion is deemed to have a second surface area. The cut resistant portion, the absorbent portion, and the barrier portion are secured to one another such that a section of the second surface area is laterally disposed outside the first surface area (*figure 3*).

Regarding Applicant's claims 74-76, Carson disclose that the cut resistant portion and the barrier portion includes a resin comprising metallocene polypropylene comprising a copolymer of propylene and ethylene (*col. 3, lines 19-22*).

Regarding Applicant's claim 77, the barrier layer is deemed to have a third surface area which is equal to the second surface area (*figure 3*).

***Claim Rejections - 35 USC § 103***

10. Claims 78-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pawlowski et al. (4,935,282).

Pawlowski discloses all the limitations of the instant claimed invention except for thickness of each ply.

The exact thickness first and second thermoplastic plies is deemed to be a cause effective variable. It would have been obvious to one having ordinary skill in the art to have determined the optimum value of a cause effective variable such as thickness of the thermoplastic plies through routine experimentation in the absence of a showing of criticality in the claimed thickness. *In re Boesch*, 205 USPQ 215 (CCPA 1980), *In re Woodruff*, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

***Allowable Subject Matter***

11. Claims 71-72 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***ANSWERS TO APPLICANT'S ARGUMENTS***

12. Applicant's arguments in the response filed April 26, 2004 regarding the 35 U.S.C. §102 and §103 rejections of record have been carefully considered but are deemed unpersuasive.

Applicant arguments start out with a general summarization of the independent claims and their dependent claims. Then Applicant argues that none of the cited references, alone or in

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combination, discloses or suggest the summarization of the independent claims. Then Applicant briefly summarizes the prior art used in the rejections and only makes a minor argument about how Pawloski does not meet the limitations in the instant claims. Then concludes that the prior art does not disclose each of the elements recited by the claims at issue, therefore it flows that such claims are not anticipated thereby.

First, Applicant has failed to specifically point out how the references fail to meet the limitations of the instant claims. Applicant's summaries of the prior art do not point out, except for the Pawloski summarization, anything specific about what they fail to teach or why they would not be obvious. Second, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Third, Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections. Finally, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

13. Applicant's arguments in the response filed April 26, 2004 regarding the Pawloski reference of record have been carefully considered but are deemed unpersuasive.

Applicant argues that Pawloski does not disclose a tissue ply and a thermoplastic ply, wherein a surface area thereof is laterally disposed outside of the surface area of a top,

thermoplastic layer. The Examiner disagrees with this assessment of Pawloski. As pointed out in the previous office action figures 8 and 9 in Pawloski show that an unfolded second layer has a second surface area, wherein the first layer is secured to and substantially centered on the second layer in both dimensions/directions such that a portion of the second surface area is laterally disposed outside the first surface area.

***Conclusion***

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

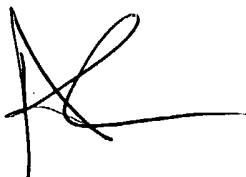
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

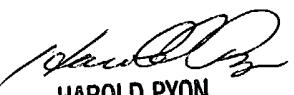
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ac

7/9/04



  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

7/12/04